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UPDATE

Bill would require that ultrasounds be displayed before abortions

Senators advanced a bill May 14 that would require a physician who performs an ultrasound to display the image in a manner viewable by a patient seeking an abortion before the procedure is performed.

Lincoln Sen. Tony Fulton, sponsor of LB675, said the regulation would provide women with more information to ensure that “so great a choice is well-informed.” The physician would be under no obligation to describe the image and the woman would not be required to look at it, Fulton said.

Fulton said displaying an ultrasound an hour before an abortion is performed would encourage more contemplation on a procedure that could have a “long-lasting negative impact for the life that is lost and the life that is fundamentally changed.”

The Judiciary Committee offered an amendment that would remove a provision of the bill requiring a physician to explain the medical risks of



Sen. Tony Fulton speaks on LB675, which would require ultrasound images to be displayed in a manner viewable by a patient before an abortion.

psychological trauma, endometritis, incomplete or failed abortion to a patient prior to an abortion. The amendment also would require the state

Department of Health and Human Services to compile a comprehensive list of free ultrasound providers to

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Violent crime omnibus bill clears second round

Lawmakers amended and advanced a bill to final reading May 12 aimed at reducing violent crime and gang activity.

LB63, introduced by Omaha Sen. Mike Friend, would enhance penalties for several existing firearm violations and violent crimes committed with weapons.

The bill would increase the criminal penalties for possession of a handgun

by a juvenile, illegal transfer of a firearm to a juvenile, possession of a firearm on school grounds, first and second degree assault, first and second degree assault on an officer, shooting at an occupied dwelling, felon in possession of a deadly weapon and use of a deadly weapon to commit a felony.

As amended, the bill would create a state Office of Violence Prevention. The office would include a director

and advisory board appointed by the governor and would work with state and local law enforcement to implement programs to reduce violence. The office also would identify programs and services for people previously convicted of violent crimes to help change their pattern of violent behavior.

Senators considered seven amendments to LB63 during select file

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Bill would require display of ultrasounds

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be provided to women considering an abortion.

Debate centered on an amendment to the committee amendment offered by Lincoln Sen. Danielle Nantkes, which would allow only facilities licensed under the Uniform Credentialing Act to be included in the list provided by the department.

Nantkes said the state should refer citizens only to licensed facilities as a matter of public health and safety.

"This is about patient safety," Nantkes said. "If we're going to add the state stamp of approval, at the very least, they should be licensed."

The only facilities that offer free ultrasounds are crisis pregnancy centers, she said, which are often aimed at discouraging women from having abortions. While Nantkes said she supports these centers' right to operate, she did not believe the state should refer women to them for medical advice.

Citing a July 2006 study by the U.S. House of Representatives' Committee on Government Reform, she said 87 percent of unlicensed crisis pregnancy centers provide false or misleading information on pregnancy and abortion.

Omaha Sen. Tom White supported the amendment, saying it fit the standard of care for other medical procedures. He said untrained people might not be able to identify a high-risk pregnancy. Women who are referred to these centers could arrive there in medical distress, White said,

expecting care that unlicensed facilities would be unable to provide.

"I don't want someone dying on their doorstep," he said.

Fulton opposed the amendment, saying it was unnecessary because ultrasounds are routinely performed by registered nurses.

isolation for people who want to say they're doing something to fight abortion," she said. "If we were serious about that we would be looking at ways to prevent pregnancies when they aren't wanted or planned."

Holdrege Sen. Tom Carlson said legislators should do everything they could to protect life.

"They are living babies. They are innocent. They are defenseless," Carlson said.

Omaha Sen. Beau McCoy agreed, saying an ultrasound image could make a key difference in a patient's decision.

"We have a responsibility to protect the life of the unborn," he said.

Lincoln Sen. Ken Haar said the bill was not necessary because facilities that provide abortions already perform ultrasounds and the patient is allowed to see ultrasound images if she asks. The best way to reduce the number of abortions is through medically accurate and age-appropriate sex education, he said.

Omaha Sen. Brenda Council questioned the intentions of the bill.

"The purpose of this bill is to advance the interests of those groups and clinics and organizations that want to deny women the right to choose how they use their bodies," she said.

But Fulton disagreed. He said the bill was a necessary extension of current informed consent laws designed



Sen. Danielle Nantkes speaks in opposition to LB675. She offered an amendment that would have required facilities to be licensed in order to be included on a list of facilities providing free ultrasounds.

Nantkes' amendment failed on a 10-27 vote.

Other senators questioned whether the bill would reduce the number of abortions.

Lincoln Sen. Amanda McGill said that while she supported reducing the number of abortions, LB675 would not achieve that. She said similar laws in 16 other states had not shown a reduction in abortions.

"This is a feel-good piece of leg-

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to protect patients. Because the traditional doctor-patient relationship is absent in abortion cases, he said, further regulations are necessary in order to ensure informed consent.

"LB675 is pro-life for both mother and child," he said, citing a case in which a woman was denied access to her ultrasound image.

Council offered an amendment, adopted 32-0, that removed a provision of the bill requiring a physician, physician's assistant or registered nurse to tell a woman that she could withdraw consent for an abortion without affecting her right to future care or treatment and without the loss of any state or federal benefits.

Council said the provision is both impossible to enforce and impossible to comply with because physicians do not control future care or eligibility for state or federal benefits.

The committee amendment was adopted 37-5 and LB675 advanced to select file on a 35-7 vote. ■

Violent crime omnibus bill clears second round

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debate.

An amendment offered by Omaha Sen. Brad Ashford would change the funding source for the Office of Violence Prevention.

The office was to have been funded by general fund appropriations of \$455,000 in fiscal year 2009-10 and \$450,753 in FY2010-11.

Ashford's amendment instead would fund the office through a \$350,000 transfer from the Community Corrections Uniform Data Analysis Cash Fund to the Violence Prevention Cash Fund.

Friend supported the amendment, saying a general fund transfer was not an option given the current economic situation.

"I realized that fiscal reality would not permit that," he said. "I think this is the best solution."

But Omaha Sen. Pete Pirsch suggested that a more equitable solution would have been to increase court costs by \$1, rather than placing the funding burden on law-abiding taxpayers.

"We should put it on the criminals themselves," Pirsch said. "I think that would have been a preferable way to structure this deal."

Ashford said the one-time transfer was a temporary solution.

"I'm under no illusion that somehow these cash funds can continue far into the future," he said.

The amendment was adopted on a 41-0 vote.

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Seeking Future State Leaders

The **Unicameral Youth Conference** is a four-day legislative simulation for students entering grades 9-12. Students experience the entire legislative process as youth senators, including introducing bills, conducting committee hearings and discussing legislation through three rounds of debate.

The 2009 conference takes place at the Nebraska State Capitol and the University of Nebraska-Lincoln **June 7 - 10**.

Register at <http://4h.unl.edu/programs/citizenship/civics/uyc/>
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"I learned that being part of the Legislature is a challenging but fun experience."

-Former participant



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Violent crime omnibus bill clears second round

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Sen. Mike Friend discusses LB63 with Sen. Gwen Howard, who successfully amended the bill to include dating violence prevention provisions.

Sen. Mark Christensen of Imperial offered an amendment that would incorporate LB429, a measure he introduced, into the bill.

LB429 would require that any inmate allowed to participate in a work release program per an arrangement with a school district, educational service unit, community college, state college or university be supervised by an employee of the Department of Corrections while performing their job.

Christensen said the bill would allow educational institutions to establish arrangements wherein non-violent offenders can perform needed services and earn valuable work experience. Such arrangements already are allowed with other political subdivisions, he said.

The amendment was adopted 37-0.

Also adopted was an amendment brought by Omaha Sen. Gwen Howard, which would incorporate elements of LB64.

LB64, sponsored by Howard, was a bill meant to address dating violence among young people. More than

10 percent of girls surveyed in Nebraska experienced dating violence in the preceding 10 months, Howard said.

"This can happen to anyone," she said. "This can happen to anyone's child."

The amendment would require the state Department of Education to develop a model dating violence policy by March 1, 2010, to assist school districts in developing policies, which districts would have to adopt by July 1, 2010.

Each school district would be required to publish and inform parents about its policy and provide staff training.

Lincoln Sen. Colby Coash agreed that a problem exists, but questioned whether schools have the resources to address the issue.

"I'm concerned about the work load for teachers," he said. "This is one more thing we're asking schools to do."

But Cedar Rapids Sen. Kate Sullivan said schools could incorporate anti-dating violence provisions into their existing anti-bullying policies.

"From a practical standpoint, I think it's totally manageable," she said.

The amendment was adopted 41-0.

An amendment offered by Ashford would push back the implementation date of a provision relating to juvenile placement evaluations.

LB63 would require probation officers to perform evaluations prior to the placement of non-violent juvenile offenders. The state Office of Probation informed Ashford that they lacked sufficient funds to carry out the evaluations, he said.

The amendment would make the evaluations mandatory beginning July 1, 2010, allowing a year to find additional funding to cover the estimated \$120,000 per year cost, Ashford said.

Omaha Sen. Brenda Council said she could not support the amendment because too often juveniles are detained unnecessarily.

"We need to find some money to enable them to con-

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tinue to provide this service,” she said. “This is a critical issue.”

The amendment was adopted 29-1.

Council offered an amendment relating to changes proposed in LB63 relating to state law regulating the use of those in police custody as witnesses and informants. As amended, LB63 narrows the definition of a jailhouse witness to individuals in the physical custody of law enforcement, she said, allowing individuals on parole or probation to be used as informants.

Council’s amendment would change the definition to include those accused, convicted or detained for a crime, “whether physically in jail or not.”

Without her amendment, Council said, the jailhouse witness provisions might encourage, rather than discourage, violent crime. A major factor in recidivism is whom an individual associates with, she said. “You’re increasing the possibility of offenders re-offending.”

But Sen. Scott Lautenbaugh of Omaha disagreed.

“We’re undoing this because it was overreaching and it was wrong,” he said.

Council’s amendment was defeated 11-25.

A third Ashford amendment, adopted 41-0, would allow 10 percent of Omaha convention center turnback funds to be directed to the reduction of street and gang violence.

Finally, Coash offered and later withdrew an amendment that would have added an additional juvenile judge to Douglas County. The county currently does not have the capacity for an additional judge, he said, and senators have to “deal in the now.”

As amended on general file, LB63 also would:

- provide stronger and more comprehensive penalties for graffiti and criminal defacement;
- allow judges to consider an offender’s propensity for violence and the danger he or she may pose to public safety when setting conditions of bail;
- allow prosecutors and judges to consider a juvenile offender’s gang affiliation when determining whether they should be prosecuted as adults or juveniles;
- create offenses for discharge of a firearm from a motor vehicle and illegal recruitment into a criminal organization;
- prohibit domestic violence offenders and subjects of protection orders from possessing firearms;
- enhance penalties from Class IV felonies to Class III

felonies for possessing a defaced or stolen firearm and defacing a firearm;

- add additional penalties for possession of a deadly weapon during the commission of a felony;
- clarify handgun and firearm definitions;
- clarify existing handgun registration and purchase permit requirements regarding social security numbers to comply with federal law; and
- grant judges the authority to order a defendant in a criminal defacement case to clean up or repair the defaced property and keep the property clean of graffiti for up to one year. Additionally, the court could require the defendant to undergo counseling.

The bill was advanced from select file by voice vote. ■



Sen. Brenda Council speaks on her attempt to amend LB63.

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Agriculture

State fair relocation assistance advances

The city of Grand Island would receive credit for moving ball fields in preparation for the state fair relocation under a bill advanced to final reading May 11.

As amended during general file, LB224 would permit the city of Grand Island to include relocation of existing improvements as part of its required contribution for the fair's move.

Other provisions of the bill would permit state fair facilities to be located on property adjacent to the new fair site at Fonner Park and transfer a pari-mutuel tax credit from the Nebraska State Fairgrounds to Fonner Park. Under the credit, 2.5 percent of the first taxable \$70 million at each race held would be allocated for maintenance and improvements at the fair site.

The bill also would establish Jan. 1, 2010, as the date for the transition of the state fair to its new host city. It would require that the state Department of Revenue provide notice of quarterly lottery collections to the city of Grand Island beginning April 1, 2010.

LB224's sponsor, Holdrege Sen. Tom Carlson, offered an amendment on select file specifying that the \$1.5 million expended by the city of Grand Island for relocating recreational facilities displaced by the state fair may be applied to the \$8.5



Sen. Tom Carlson



million contribution that the city must make to the fair's relocation.

Carlson said the site plan for the state fair has shifted westward, which will require that recreational fields at the Grand Island fair site be moved. He said this added expense is "above and beyond" what the city was obligated to do under legislation that authorized the fair's relocation last year.

Wilber Sen. Russ Karpisek disagreed that relocating recreational fields was an unforeseen expense.

"My recollection is those fields were going to move," Karpisek said. "I don't think this is fair to the state, the university or anyone else that was involved, because \$1.5 million won't be going to the fair, it will be going to ball fields."

Carlson's amendment was adopted 33-2, and LB224 advanced on a 33-3 vote.

Appropriations

Budget package approved

Lawmakers gave final approval May 13 to the 2009-11 biennial state budget.

The budget proposed by the Appropriations Committee provides \$6.9 billion for state government operation and aid during the two-year

period, an average annual spending growth rate of 1 percent.

LB315, the mainline budget bill, passed on a 46-2 vote.

Also included in the budget package are:

- LB311, providing for deficit appropriations;
- LB312, appropriating funds for state senators' salaries;
- LB313, appropriating funds for constitutional officers' salaries;
- LB314, appropriating funds for capital construction;
- LB316, providing for various transfers between funds;
- LB318, suspending certain depreciation charges assessed by the Department of Administrative Services;
- LB414, changing salary and retirement provisions for judges;
- LB456, transferring \$254.4 million from the state's cash reserve fund;
- LB628, providing for payment of claims against the state; and
- LB629, disapproving claims against the state.

Senators voted 46-1 to pass LB414 and passed LB628 and LB629 on 47-0 votes. All remaining bills were passed on 48-0 votes.

The budget package now goes to Gov. Dave Heineman for his consideration. The governor must sign, veto or

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line-item veto the budget within five calendar days, excluding Sunday.

Education

Bill amended to include coordinating commission changes

Senators voted 34-0 to return a bill to select file for a specific amendment May 12.

LB440, introduced by Omaha Sen. Brenda Council, would remove the mention of race, ethnicity and culture from a diversity-based state scholarship program. The bill, placed on final reading April 28, would harmonize the state's Student Diversity Scholarship Program Act with the state constitution, which was amended by voters last November to prohibit racial and gender preferences in public admissions and hiring decisions.

Council offered an amendment May 12 that would incorporate provisions from another bill.

LB103, introduced by York Sen. Greg Adams, would raise the cost threshold from \$500,000 to \$2 million for capital construction projects requiring approval from the Coordinating Commission of Postsecondary Education.

The amendment was adopted on a 30-0 vote and LB440 was advanced to final reading on a voice vote.

Senators approve changes in state aid to schools

Senators gave final legislative

approval to a bill May 13 aimed at slowing the growth of state aid to schools.

LB545, introduced by York Sen. Greg Adams, originally would have reduced the amount of state aid, but was amended to allocate \$234 million of federal stimulus funds to increase state aid.

The current state aid funding formula calls for \$295 million, Adams said.

General file debate spanned four days as senators debated how to address the \$61 million gap between the available federal stimulus funds and what the current formula demands.

The bill originally proposed reducing the state's contribution to larger school districts, which was designed to help equalize the average amount spent per student in small and large school districts. But several senators said reducing the averaging adjustment is unfair because large districts would bear the brunt of the reduction. Omaha Public Schools, for example, would have received \$6.3 million less next year than school officials expected based on the current school aid formula.

Compromise was reached through an amendment offered by Adams on general file that lessens the impact on larger school districts.

Adams offered an amendment on select file to include 100 percent of the students in the calculation of the averaging adjustment, rather than 75 percent.

Kearney Sen. Galen Hadley raised concerns about adjusting the formula to obtain desired results, saying that while Omaha Public Schools and other large districts are accommo-

dated for under the changes, 132 other districts will receive less state funds than expected.

"If we want to play this game we could come up with 50 different amendments to this formula," he said.

Adams' amendment was adopted on a 40-0 vote.

Ellsworth Sen. Leroy Loudon offered an amendment on select file, adopted 38-0, which exempts school districts with remote elementary attendance centers from the state spending lid.

Louden said the measure would allow school districts to fund remote elementary attendance centers to avoid excessive commutes for school children.

Adams emphasized that Loudon's amendment would require additional funds because it relates to money non-equalized districts already have but are barred from using under the spending lid.

LB545 was passed on a 46-1 vote.

The bill decreases the cost growth factor by 0.5 percent in fiscal year 2009-10 and by 1 percent in FY2010-11. The averaging adjustment threshold is the prior year's amount increased by the basic allowable growth rate plus 0.5 percent, or the statewide basic funding per formula student – whichever is smaller.

As amended, the bill reduces school employee retirement aid for non-equalized districts from \$30 million to \$15 million per year. The reduction reflects changes proposed in LB187, which would require a 1 percent rather than a 2 percent additional employer contribution for the next five years. These changes will free up a total of \$30 million dollars over the next two years, Adams said.

Although some districts receive less money under the bill, Adams said,



Sen. Greg Adams



Sen. Brenda Council

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those districts need less because they will not have to boost contributions to employee retirement accounts as much as had been expected.

"This is a balance," Adams said. "It's give and take."

Other provisions of the bill will:

- recreate reorganization incentives by allocating \$800,000 in lottery funds to small school districts that consolidate;
- reformulate an existing hold harmless provision in learning communities;
- exempt early retirement agreements made before July 1, 2009, from spending lids;
- make changes to employer retirement contributions, excluding them from spending lids and future general fund operating expenditures;
- reduce school district spending authority from 2.5 percent of their general fund operating expenditures to 1.5 percent;
- base the instructional time allowance on the statewide average rather than on a comparison group average;
- enable school districts to use stimulus bond programs with the current levy cap of 5.2 cents per \$100 valuation; and
- set the certification date for state aid to schools as March 1 for next year.

Government

Senators debate repealing campaign finance limitations

Lawmakers debated an amendment May 13 that would repeal the Campaign Finance Limitation Act before advancing a bill related to the

use of public resources.

Omaha Sen. Scott Lautenbaugh offered the amendment during select file debate on LB626, introduced by Wilbur Sen. Russ Karpisek, which would allow the incidental use of public resources by public officials and employees.

Lautenbaugh opposed the bill, saying it did not go far enough to make needed changes to campaign regulations.

"Until the whole thing gets addressed, I don't think we should address it at the margins," he said.

He offered an amendment that included provisions from LB638, a bill he sponsored that would repeal the Campaign Finance Limitations Act and require greater disclosure of political contributions.

Under Lautenbaugh's amendment, all contributions and expenditures over \$50 would be disclosed. The current requirement for disclosure is set at \$250. His amendment also would require daily electronic filing of contributions and expenditures by 2012.

While candidates are limited in how much they can spend during campaigns, Lautenbaugh said, independent committees are not, allowing them too large a role in campaigns. Anyone can start a committee and raise as much money as possible, he said, in effect creating non-candidate bases and unfair campaigns, which the limitations were designed to prevent.

"We face a limit that these independent groups don't face," Lautenbaugh said, adding that limitations do nothing to reduce the amount of



Sen. Scott Lautenbaugh

money involved in campaigns. "The money is driven underground."

Calling the current campaign finance limitations an "utter and unabashed failure," Lautenbaugh said his amendment would result in less money going to independent committees.

"If the groups are free to give to candidates, they will be less inclined to give to independent committees," he said.

But Lincoln Sen. Bill Avery said a repeal of the campaign limitations would only lead to more problems.

"Lifting limits on special interest money will not solve that problem," he said. "It will create a new one."

Acknowledging that candidates are often at a disadvantage when forced to compete with independent committees, Avery said senators should consider what the average citizen would want.

"Do we want our legacy to be that we unleashed special interest money and a runaway arms race?" Avery asked. "The public interest needs to be kept in mind here, not what's good for us."

Grand Island Sen. Mike Gloor said he was concerned the additional reporting requirements would shrink the candidate pool. Lowering the threshold from \$250 to \$50 would mean more paperwork, he said, and the daily filing requirement would be too much for most candidates to handle.

"It may discourage people from pursuing state office," Gloor said. "You would have to hire a treasurer to keep up."

Omaha Sen. Heath Mello also opposed the amendment. Although lawmakers cannot constitutionally restrict independent committees, he said, they could impose more reporting requirements on them.

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Omaha Sen. Jeremy Nordquist offered, and later withdrew, an amendment to Lautenbaugh's amendment that would have restored current campaign finance limits, but would have required all contributions and expenditures over \$50 be disclosed.

Lautenbaugh's amendment failed on a 13-25 vote.

Mello offered an amendment that would require additional reporting information from political party committees.

Currently, independent expenditure committees and political party committees are both allowed to make independent expenditures, Mello said, but independent expenditure committees are required to include more detail.

"There's a transparency loophole," he said. "If they do the same thing, they should fill out the same reports."

Omaha Sen. John Nelson opposed the measure, saying the two groups were not the same because political parties are held accountable by their members, the voters.

Mello's amendment failed on a 15-7 vote.

Platte Center Sen. Arnie Stuthman offered, and later withdrew, an amendment that would have incorporated provisions from LB475 that would eliminate the county comptroller position.

After considering the failed amendments, senators advanced LB626 to final reading on a voice vote. The bill would:

- allow public resources such as cell phones and computers to be used to communicate unexpected schedule changes or essential personal business;
- allow for the use of public resources in preparing, presenting or disseminating informa-

tion about ballot questions;

- restrict the use of public resources for communicating about a ballot issue once a legislative body puts an issue on the ballot;
- extend the exemption for incidental use of public resources when it could result in personal financial gain or when used in relation to ballot issues;
- allow public officials and employees to use their official title when campaigning for or against ballot questions on personal time; and
- outline appropriate use of government vehicles by public officials and employees.

Health & Human Services

Safer cigarette bill passed

Senators passed a bill May 13 requiring cigarettes sold in Nebraska to meet fire safety requirements by adopting the Reduced Cigarette Ignition Propensity Act.

According to Platte Center Sen. Arnie Stuthman, sponsor of LB198, reduced ignition propensity cigarettes are manufactured with additional layers of paper so the tip does not maintain enough heat to ignite other materials if left unattended. Such cigarettes carry an "FSC" stamp or other approved marking signifying fire standard compliance.

The bill provides for a fine for

retailers of \$500 for a first offense of knowingly violating the act and \$2,000 for subsequent offenses. Fines increase if the number of non-compliant cigarettes offered or sold exceeds 1,000.

Fines for manufacturers and wholesalers who knowingly violate the act are \$10,000 for a first offense and \$25,000 for subsequent offenses, not to exceed \$100,000 in any 30-day period.

The bill also includes a false certification penalty not to exceed \$250,000.

A \$1,000 fee is required for certification of each brand family of cigarettes. This fee applies to all cigarettes listed in the brand family, and cigarettes must be recertified every four years.

The bill becomes effective January 1, 2010.

LB198 passed on a 47-0 vote.

Dental assistant regulation advanced

Lawmakers gave first-round approval May 12 to a bill that would give statutory authority to the state Department of Health and Human Services, with the recommendation of the Board of Dentistry, to establish rules and regulations for the education and training of dental assistants.

Lincoln Sen. Kathy Campbell, sponsor of LB542, said the department believes it appropriate to regulate dental assistants but needs the Legislature to authorize them to do so.

The attorney general issued an opinion in January stating that the department may list duties for den-



Sen. Arnie Stuthman



Sen. Kathy Campbell

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tal assistants but has no statutory authority to regulate those duties, Campbell said.

"I chose to introduce [the bill] because, at this point, we are at a standstill," she said.

Campbell offered an amendment, adopted 25-1, that replaced the bill. The amendment more accurately reflects standard regulatory language, she said.

Omaha Sen. Scott Lautenbaugh offered an amendment, which he later withdrew, that would have specified the scope of practice for dental assistants.

Sen. Tim Gay of Papillion opposed the amendment, saying those who serve on professional boards, not lawmakers, should regulate their own professions.

"I think we would be undermining them if we did this," Gay said. "I think this is going down a slippery slope."

Lautenbaugh also brought an amendment that would prohibit dental assistants from performing any of the duties outlined in laws governing the scope of practice for dental hygienists.

The amendment would protect dental hygienists, Lautenbaugh said, by preventing dentists from assigning duties to lesser-trained assistants that should be done by hygienists.

"I believe the amendment provides an important protection," he said. "I believe there are actual safety concerns here."

Campbell objected to the amendment, saying the Legislature is not the body that should be making such decisions.

"The Board of Dentistry are the professionals," she said. "They know their own profession."

The amendment failed on a 7-18 vote.

Senators advanced LB542 to select file on a 27-4 vote.

Judiciary

Increased court fees advance to final reading

Senators advanced a bill to final reading May 12 that would increase various court fees, create new district court judgeships, expand the jury pool and make several other court related changes.

LB35, introduced by Omaha Sen. Brad Ashford, originally would have contained the Violence Prevention Act. The bill's provisions were amended into LB63, which is currently on final reading.

During select file debate, Ashford offered an amendment to LB35 that would increase criminal docket fees from \$1 to \$2. The \$290,000 generated by the increase would be directed to the Law Enforcement Training Center in Grand Island. Ashford said the funds are necessary to ensure law enforcement officers across the state are adequately trained.

Elk Creek Sen. Lavon Heidemann, chairman of the Appropriations Committee, said the state's general funds cannot be used for the Grand Island center, making a separate appropriation necessary.

Ashford's amendment was adopted on a 36-0 vote and LB35 advanced to final reading on a voice vote.

As amended on general file, LB35 includes provisions from several other bills.

LB333, introduced by Ashford, would raise the Supreme Court Automation fee from \$6 to \$7. Ashford offered an amendment to the committee amendment to raise the fee

to \$8. He said the increase is needed to fund the automation conversion of the Douglas County District Court and Juvenile Court to the statewide court computer system.

LB273, introduced by Omaha Sen. Scott Lautenbaugh, would increase fees charged for county sheriffs to hand-deliver court documents. The measure would raise five types of fees by 20 percent. The increases are necessary to reflect inflation, Lautenbaugh said. The measure also includes a provision relating to the recovery of costs in lawsuits involving debt collection. It would allow the plaintiff to recover costs upon a voluntary payment after the action is filed but before a judgment is issued.

LB669, introduced by Lincoln Sen. Colby Coash, would create one new Lancaster County District Court judgeship.

LB305, introduced by Omaha Sen. Brenda Council, would add individuals who possess a state identification card to the source list used to create the master jury list. The master jury list is currently comprised of registered voters and registered drivers in the state of Nebraska.

Ashford said the measure would address significant racial disparities in the state's jury pools found by the Nebraska Minority Justice Committee's Minority and Justice Task Force.

LB40, introduced by Norfolk Sen. Mike Flood, would make technical changes to new trial procedures and the Uniform Credentialing Act.

LB46, LB47 and LB118, all introduced by Lexington Sen. John Wightman, would make technical changes relating to probate law.

LB332, introduced by Ashford, would make technical changes to county courts, especially in regards



Sen. Brad Ashford

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to adoption, foster care and CASA volunteers.

LB344, introduced by Ashford, would make technical changes to the Civil Legal Services Program, which provides grants to civil legal service providers offering free services to low-income people.

LB352, introduced by Lautenbaugh, would allow commercial couriers to deliver summons.

LB353 and LB354, both introduced by Lautenbaugh, would make technical changes to civil and cross-appel procedures.

LB433, introduced by Omaha Sen. Steve Lathrop, would expand the district courts' exclusive jurisdiction over misdemeanor cases that arise from the same incident as a charged felony.

Amendment would require DNA collection of all felons

Amendments adopted May 13 to a bill addressing identity theft and organized crime would increase DNA collections from certain offenders and clarify statutes addressing deceptive advertising.

LB155, introduced by Tekamah Sen. Kent Rogert, would adopt the Public Protection Act which, among other provisions, would prohibit the use of funds obtained from racketeering activities for the operation of any enterprise. The bill also would allow penalties for forgery in the second-degree to be established based on the monetary total of the checks forged in a single scheme.

Rogert offered an amendment, adopted on select file 36-0, that

would prohibit advertising the price of goods or services in a misleading or deceptive way. Rogert said his amendment would prevent unscrupulous gas stations from advertising a gas price when the rate is for a different blend or is offered on a specific pump only.

Lincoln Sen. Bill Avery offered an amendment containing provisions of LB190, which would mandate the DNA collection of all felons who are released before their maximum sentence is served.

Current law requires select persons convicted of felony and misdemeanor crimes to submit their DNA for the state DNA sample bank.

Avery's amendment would require that all felons submit DNA samples and would expand the requirement to perpetrators of stalking and false imprisonment misdemeanors in the second-degree. Those who attempt to commit sexual abuse of a vulnerable adult, violations of the Sex Offender Registration Act, false imprisonment in the first or second degree or stalking also would be added to the list.

Avery said his amendment would bring Nebraska in line with 47 other states that mandate DNA samples for all felons. He said DNA banks are an increasingly important tool in solving cold cases and exonerating those wrongfully imprisoned.

Furthermore, DNA collection of all felons would open up additional federal grants to the state, Avery said.

The amendment was adopted 29-0 and LB155 advanced on a voice vote.

Lawmakers pass concealed carry handgun bill

Senators passed a bill May 13 that changes conceal and carry provisions.

LB430, introduced by Imperial Sen. Mark Christensen, nullifies all city and village ordinances, permits and regulations regarding the ownership, possession and transportation of concealed handguns.

The bill also allows universities to prohibit firearms by expanding the definition of schools to include private postsecondary career schools, community colleges, public or private colleges, junior colleges, universities and any other educational institutions.

Under amendments adopted on general file, LB430 allows a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns.

Concealed handgun permits from other states are recognized under the bill. Recognized states must require standards equal to or greater than the standards determined by the Nebraska attorney general. Military personnel permanently stationed in Nebraska are considered residents for the purpose of concealed handgun permits.

During select file debate, the bill was amended to allow conceal and carry permit holders to carry a concealed handgun onto parking lots of locations where concealed handguns are prohibited. Current law outlines several places where concealed handguns are prohibited, including emergency rooms, courtrooms, government meetings and school grounds. Prior to exiting the vehicle, handguns must be stored and locked in a glove box, trunk or other secured compartment and motorcycle drivers must store handguns in a hard-sided compartment.

LB430 passed on a 45-3 vote.



Sen. Mark Christensen



Sen. Kent Rogert

ISSUES UPFRONT.....

Natural Resources

Papio-Missouri NRD bonding authority advances to final reading

The Papio-Missouri Natural Resources District board of directors is one step closer to being able to issue bonds for the financing of flood control and water quality enhancement projects.

LB160, introduced by Papillion Sen. Tim Gay, was advanced to final reading May 11 with two amendments adopted during select file debate. The bill would permit NRDs containing a city of the metropolitan class, upon receiving approval of two-thirds of its board, to issue bonds for up to one cent of its 4.5-cent mill levy.

Voter approval would be required for the NRD to exceed one cent of its mill levy. Furthermore, counties within the watershed could block bonds for projects in their jurisdiction that would be larger than 20 surface acres.

An amendment offered by Gay, adopted 30-0, would require county boards to hold a public hearing and vote on a resolution opposing the issuance of bonds for a project within 90 days of the NRD board vote authorizing bonding.

The other select file amendment, offered by Omaha Sen. Scott Lautenbaugh, was adopted 30-0. His amendment would prohibit an NRD from transferring property acquired for a project to an entity other than a political subdivision or an agency of

the state or federal government.

LB160 would require that cities and counties within a watershed adopt storm water management plans before the issuance of bonds. Lautenbaugh's amendment would add that bonds can be approved for only projects within cities and counties that have adopted regulations that comply with state and federal floodplain management rules and regulations.

Malcolm Sen. Ken Haar said LB160 is needed to provide the Papio-Missouri NRD the means to protect against floods.

"We charge them with flood control, and we need to give them the tools to do that," Haar said. "We can't ask the NRD to do flood control if we tie their hands."

LB160 advanced to final reading on a voice vote.

Limits on wind lease agreements advance

The duration of wind lease agreements would be capped at 40 years under a bill advanced to final reading May 11. LB568 originally would have limited the life of any wind lease or easement agreement to 50 years.

Contracts would be terminated after 10 years if development has not been started, although both parties could mutually agree to contract extensions.

The bill also would require that leases include descriptions of developments intended for a property and plans for decommissioning wind turbines. In addition, the bill would mandate that wind rights not be separated from the land.

After adopting

a technical amendment offered by the bill's sponsor, Fullerton Sen. Annette Dubas, lawmakers discussed an amendment introduced by Wilber Sen. Russ Karpisek that would reduce the life of agreements from the original 50 years to 40.

"[Fifty years] not only ties you up, but your children, and possibly your grandchildren," Karpisek said.

Karpisek's amendment was adopted 29-0, and LB568 advanced to final reading on a voice vote.

Urban Affairs

Community improvement grant program amended, advanced

A bill given second-round approval May 11 would establish a new statewide grant program for community improvement projects.

Under LB633, introduced by Sen. Heath Mello of Omaha, the grant program would be administered by the University of Nebraska at Omaha College of Public Affairs and Community Service. Grants would be awarded for projects that benefit a neighborhood, village or second class city. A second class city is one with a population of 800 to 5,000.

Eligible grant recipients would demonstrate that a project could be completed in one year, would not duplicate an existing program and would involve residents in its planning, development and execution.

Grant recipients also would be required to provide matching funds or other in-kind contributions in the following amounts:



Sen. Tim Gay



Sen. Heath Mello



Sen. Annette Dubas

ISSUES UPFRONT.....

- 25 percent for a grant up to \$5,000;
- 26 to 49 percent for grants ranging from \$5,001 to \$7,500; or
- 50 percent for grants ranging from \$7,501 to \$10,000.

No grant could exceed \$10,000.

As amended on general file, the bill would be funded by general fund transfers of \$125,000 per year for four years and would sunset June 30, 2013. An annual report would be provided to the Legislature each November.

Mello offered an amendment during select file debate, adopted 30-0, requiring that no more than 50 percent of grant funds be distributed to neighborhood associations or to small communities.

“It will ensure that both types of community improvement groups ... will receive grants from this program,” he said.

Hastings Sen. Dennis Utter offered and later withdrew an amendment that would have moved the program’s administration from the College of Public Affairs and Community Service in Omaha to the Center for Rural Research and Development at the University of Nebraska at Kearney.

Utter said the program might be more effectively administered from the center of the state.

Lawmakers advanced LB633 to final reading by voice vote. ■



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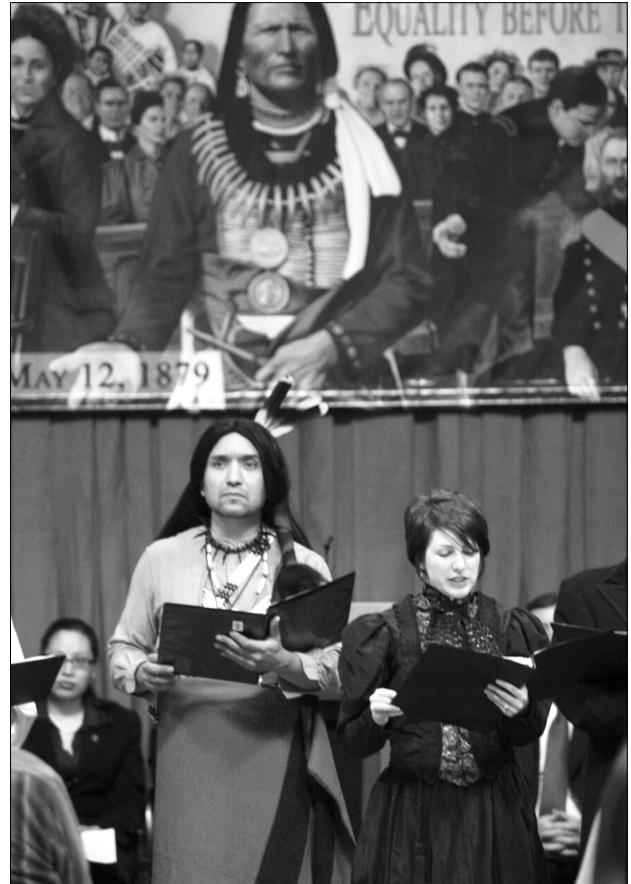
A celebration commemorating Chief Standing Bear (1829-1908) was held in the Capitol Rotunda May 15. The Ponca leader has become a symbol of Indian rights, and was inducted into the Nebraska Hall of Fame in 1977. This year is the 130th anniversary of the landmark U.S. District Court case which stated for the first time that Native Americans are persons within the meaning of the law.



A bust depicting Chief Standing Bear is located on the second floor of the capitol.



Col. Tom Brewer of Murdock was this year's recipient of the Chief Standing Bear Humanitarian Award. Brewer belongs to the Oglala Sioux Nation.



Above: "Ma-chu-nah-zha: I Am a Person," a play by Mary Kathryn Nagle portraying the events of the Standing Bear trial, was performed at the commemoration celebration.

Below: The Umonhon Nation Junior-Senior High Concert Band performed traditional music.



CITIZEN VIEWS of the CAPITOL



photo by Kim Fogle, used with permission

Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers. This color photo series is available on the Unicameral Update online at <http://unicameralupdate.blogspot.com>.

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